

**JOINT ORDER OF THE WASHINGTON CIRCUIT COURT
And WASHINGTON SUPERIOR COURT
CONCERNING PRETRIAL RELEASE AS AMENDED NOVEMBER 13, 2002**

WHEREAS, the Judge of Washington Circuit Court and the Judge of the Washington Superior Court having determined that it would be beneficial to provide a uniform bond schedule for criminal cases filed in each Court, and to further fix by joint order the minimum periods of time of incarceration for persons arrested for drug and alcohol related offenses. IT IS THEREFORE ORDERED THAT the following uniform bond schedule is hereby adopted by each Court effective on the date shown above for arrests WITHOUT Warrants:

1. NO STANDARD BOND - Although bond may be set at any time by Court Order, there shall be NO standard bond for persons:

A. Accused of committing, attempting, aiding, inducing or assisting:

1. Resisting Arrest
2. Fleeing
3. Escape
4. Battery
5. Invasion of privacy
6. Murder
7. Rape
8. Any offense involving use of a deadly weapon.
9. Any offense alleging serious bodily injury or death
10. Leaving the scene of an accident
11. Intimidation

B. On PROBATION at time of arrest, or listed as active probationers in the most current probation report.

C. Free ON ANOTHER BOND at time of arrest.

D. Living OUTSIDE OF INDIANA.

E. On PRETRIAL DIVERSION at the time of arrest.

F. Who REFUSE a Chemical Test under I.C. 9-30-6

2. DRUG OFFENSES

A PERSON ARRESTED FOR AN OFFENSE INVOLVING THE USE, POSSESSION, OR SALE OF DRUGS SHALL BE DETAINED FOR AT LEAST 24 HOURS BEFORE BOND MAY BE POSTED

3 . PUBLIC INTOXICATION WITHOUT BREATH TEST — A person arrested for Public Intoxication shall be detained a minimum of FIVE (5) hours if no portable breath test is offered by an officer.

4. GENERAL SCHEDULE OF OTHER CASES — For bailable offenses (not excluded in paragraph #1) bond shall be as follows:

FELONIES	FULL CASH	MISDEMEANORS FULL	CASH
CLASS A	25,000	CLASS A	500
CLASS B	10,000	CLASS B	250

CLASS C	2,500	CLASS C	250
CLASS D	1,000		

5. GUIDELINES AFTER 24 HOURS — For bailable offenses (not excluded by paragraph #1), unless the Prosecuting Attorney files a written objection, stating reasons to deny surety or property bond, within 24 hours following arrest, the following bond schedule shall apply:

FELONIES	FULL CASH	SURETY	PROPERTY	MISDEMEANORS	FULL CASH	SURETY	PROPERTY
CLASS A	25,000	150,000	250,000	CLASS A	500	2,500	5,000
CLASS B	10,000	50,000	100,000	CLASS B	250	1,500	5,000
CLASS C	2,500	15,000	25,000	CLASS C	250	1,500	5,000
CLASS D	1,000	5,000	10,000				
NO TEN PERCENT (10%) CASH DEPOSIT IS AUTHORIZED ON ANY BOND.							

6. FORFEITURE OF BOND — When permitted by law, bonds may be forfeited for failure of the Defendant to appear.

7. CASH BONDS KEPT FOR COSTS — When permitted by law, all or part of a full cash bond may be retained to cover:

1. Court appointed attorney fees
2. Restitution
3. Court costs
4. Fines
5. Community Service Court
6. Alcohol & Drug Users Program Fee
7. Alcohol & Drug Countermeasures fee
8. Probation Users fee
9. Weed Eradication fee
10. D.A.P.I.C. fee
11. Prosecutor's Drug Investigation fee
12. Any other cost or fee ordered by the
13. Destruction of public property.

8. CONDITIONS OF RELEASE

A. Defendant shall

1. Appear for all hearings as Ordered,
2. Complete and sign a Terms and Conditions for Release on Bond form.

B. Defendant shall NOT

1. Commit any crime,
2. Attempt to commit any crime.
3. Violate any order of the Washington Circuit or Superior Court
4. Violate any term or condition listed in the Term and Conditions for Release on Bond form.

9. REVOCATION OF BOND — Bond may be revoked and the Defendant arrested upon a showing of probable cause to believe that any condition of release has been violated.

10. DISTRIBUTION OF THIS ORDER — The sheriff shall make one copy of this order available to any Defendant or citizen upon request, and without charge.

11. ALCOHOL RELATED OFFENSES — A person arrested for an alcohol related offense (including P.I., if a portable breath test is offered) shall be detained before bond is posted in accordance with this schedule.

REFUSAL TO SUBMIT TO TEST
NO BOND UNTIL SET BY THE COURT

PERCENTAGE BLOOD HOURS AFTER INITIAL PERCENTAGE BLOOD HOURS AFTER
INITIAL
ALCOHOL LEVEL READING IS TAKEN ALCOHOL LEVEL READING IS TAKEN

Percentage Blood Alcohol Level	Hours after initial reading is taken	Percentage Blood Alcohol Level	Hours after initial reading is taken
.08	5	.21	16
.09	5	.22	17
.10	5	.23	18
.11	6	.24	19
.12	7	.25	20
.13	8	.26	21
.14	9	.27	22
.15	10	.28	23
.16	11	.29	24
.17	12	.30 or above	24
.18	13		
.19	14		
.20	15		

12. DISCRETION OF JUDGES — This order shall NOT limit the discretion of either Court Judge to deny bond or to set different amounts and/or conditions for release on a case by case basis.

13. MEDICAL EMERGENCY — When the Sheriff or his designated Jail Commander determines that:

- a medical emergency exists which requires a prisoner to be treated outside the jail; and
- the prisoner does not present an immediate risk to public safety; and
- the Sheriff lacks staffing manpower to provide a full time guard during medical treatment, then the Sheriff or designated Jail Commander may authorize the release of the prisoner on a medical furlough or upon the prisoner's own recognizance, and notify the Court promptly thereafter of the action.

14. PROOF OF IDENTITY — No prisoner shall be released until he or she has been fingerprinted, photographed and has provided proof of identity.

Dated: 11/13/02 Robert L. Bennett, Judge
Washington Circuit Court

Dated: 11/02/02 Frank Newkirk, Jr., Judge
Washington Superior Court